

RECEIVED

8/24/21

AUG 31 2021

U.S. DISTRICT COURT
DISTRICT OF R.I.

Writ of ~~D~~ismissal for violation of my right to face the alleged injured party and violation of the sixth (6) Amendment

In order for a crime to exist, there must be an injured party. This is also known, in the latin phrase 'Corpus Selecti.' Corpus Selecti literally means the body of a Crime. Which would be the accuser, as in the right to face my accuser. The commonwealth must produce a Corpus Selecti viz evidence that a loss that has occurred and evidence that the loss has occurred due to or as a result of a criminal agency.

Failure to establish or properly show or the proper showing of a Corpus Selecti, i.e. the corps of a murder, the burned remains of arson, the stolen good or a burglary or theft, or the person so injured in a crime, is a violation of my pre-existing and constitutionally secured sixth amendment right.

According to United States V. Callahan 999 F.2d 540 [Published in full-text format at 1993 U.S. App Lexis 20032] "Proof that the criminal act took place is sometimes referred to as the corpus Selecti.

Yet standing armed or bearing arms or carrying or brandishing weapons has already been declared to not be a crime. See North Carolina Supreme Court case State V. Huntly.

The act of murder is a criminal act and would be sufficient "Corpus Selecti" in conjunction with the body of the victim. That is both the loss being identified, the loss of life, and the criminal act of murder, which would meet the necessary requirements for a crime to exist. See United States V. Quiteay, 1 Mackey 498 "... the production of the dead body gave ocular -

demonstration of the corpus selecti."

The government cannot use the constitutionally protected pre-existing right to keep (have) and bear (hold) arms as proof or evidence of a crime. Meaning there is no crime, injured party or corpus selecti nor is there an actual accuser as required by the sixth amendment.

Therefore, this matter must be dismissed, with ~~prejudice~~ prejudice. As the prosecution has failed to make a claim upon which relief may be granted.

In order to convict someone of a crime it is essential to prove the charge to the whole extent as laid in the claims made against me. Therefore, this case must be dismissed as a crime by definition, according to the Samsung tablet provided to me in jail, is "an evil act." Evil is defined as "morally objectionable behavior." Nothing I have done was a criminal act, an evil act or morally objectionable behavior.

Patterson v. New York, 432 U.S. 197. The due process clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. 397 U.S. at 354.

Masters v. United States 42 App. D.C. 350. We agree that the evil intent is an element of every crime, which must be in some way alleged and proved.

The prosecution alleges no evil intent; because there is and is none.

United States V. Angel 355 F.3d 462 'the mere harboring of an evil thought such as the intent to engage in criminal conduct, does not constitute a crime; a crime is committed only if the evil thinker becomes an evil doer.

Plasencia-Ayala V. Mukasey 516 F.3d 738 Crime must involve some level of depravity or baseness so far contrary to the moral law that it gives rise to moral outrage... the requirement of evil state of mind has long been recognized by the United States Court of Appeals for the ninth circuit.

Apprendi V. New Jersey 530 US 486. Crimes consist of acts that are wrong. The elements of a crime is wrongful aggregation out of which the punishment proceeds; Rodriguez-Herrera V. ~~INS~~ INS 52 F.3d 238 The court found that an evil intent was necessary for a crime.

Franklin V. INS 72 F.3d 571. As the states and federal courts decided in this section indicate, most courts require an evil intent element for a crime.

United States V. Amedy In ordinary cases of crime, the act charged is, in itself, criminal; the intent to commit the offence is legally inferred from the act itself. In murder, the act of killing draws after it the legal inference of the malice prepense; in larceny, the act of taking property of another proves the animus furandi, and so in other instances. The intent, or mental design, is, in all these instances proved by the act, and this intent is co-extensive with the act done. In the present case, however the act done by the accused is innocent and legal in itself.

My actions are innocent and legal in itself. State v. Huntly. "The carrying of a gun per-se constitutes no offence."

The etomological definition of crime, according to etymonline.com is from the mid 13th century and means "sinful" or "wicked," or "sinfulness," or "infraction of the laws of God."

According to the prophet and messenger of Allah, Jesus the Christ, formerly known as Yeshua ben Yosuf or Joshua the son of Joseph, he teaches that "the sin lies in the wish, the desire, not the act."

This teaching alligns perfectly with the law, a crime must have evil intent. Since there is no criminal intent nor evil intent, my actions are not criminal and this case must be dismissed.

I am Lucha El Por Libertad

X Lucha EL Por Libertad

A Free Moor, Political prisoner of the inguistration doing business as "The Democracy."

8/10/2021

Packet: 2150CR001099

Commonwealth
V.

Lucha E1 Por Libertad and the Moorish militia

Probable Cause narrative response notice of violation of due process

Facts) 1

According to the "Probable Cause narrative" given to me by the Commonwealth via its attorney, submitted by trooper Michael R. Sullivan. The prosecutor is in willful violation of Massachusetts law and has evil intent.

According to paragraph 2 of the alleged "Narrative" the prosecution admits that the "probable cause narrative" is "based upon review of video surveillance" after the fact, with the benefit of hindsight.

See Commonwealth V. Perachio 61 Mass App Ct 591, 593-594. "A mere hunch or good faith belief is not sufficient [probable cause] and the determination [cannot be] made with the benefit of hindsight... the question remains of whether the officer with a reasonable suspicion to believe a crime has been, was being, or was about to be committed ~~AT~~ THE TIME OF THE STOP.

Trooper CASEY merely stated that he observed a black transit van pulled over in the break down lane and activated his emergency-

Duncan V. Becerra 366 F Supp 3d 113 "Jackson thus held that the right to possess firearms... implies a... right to obtain the bullets necessary to use them. See also Ass'n of NJ rifle and pistol club V. A.G. NJ, 910 F.3d 106, 116... "the question is whether a magazine is an arm under the second Amendment. The answer is yes." there must be some... right to possess... magazines. See Teixeira V. City of Alameda 873.

A right which is free and open to all is not subject to a license or tax Chicago V. Collins.

Duncan V. Becerra, 366 F. Supp. 3d 1131 "millions of ammunition magazines able to hold more than 10 rounds of ammunition are in common use by law abiding reasonable citizens for lawful uses like self-defense. This is enough to decide that a magazine able to hold more than 10 rounds passes the Heller test and is protected by the 2nd Amendment. The simple test applies because a magazine is an essential mechanical part of a firearm. The size limit directly impairs one's ability to defend oneself. Neither magazines, nor rounds of ammunition, nor trigger, nor barrels are specifically mentioned in the second amendment. Neither are they mentioned in Heller. But without a right to keep and bare triggers, or barrels or ammunition and the magazines that hold ammunition, the second ~~amendment~~ amendment would be meaningless." Fyock V. City of Sunnyvale 779 F3d 991, 998

Facts 4

These charges are nothing more than converting the second Amendment right into a ~~privilege~~ privilege and attaching a license to said privilege. The commonwealth has unconstitutionally, via its legislator, made it a statutory crime to keep and bare arms with out the legislators written →

permission via a license. Yet the people of the United States via its congress has already declared it a right. Rights cannot be licensed.

Thompson V. Smith "Rights of the citizen... [are] not a mere privilege which... may [be] prohibited or permit[te]d at will, but a common right which he has under the right of life, liberty and the pursuit of happiness."

Fact(s) 5

After releasing and not charging one of our militia men the commonwealth is maliciously and with evil intent, not charging us as a constitutionally protected militia. They are changing our status and charging us as individuals instead, with individual case numbers and charges for the same event, in pursuit of a joint venture - Because this case is not about Justice is about discrimination against our national origin, religious beliefs and destroying the lives of 11 innocent men just so the prosecution can have another conviction under their belt.

This should be one case, with one case number and be titled "The Commonwealth V. The Moorish Militia."

But if that was the case, the divide and conquer tactics would not work and there would ~~not~~ be no charges because we are protected via the 2nd Amendment.

Fact(s) 6

By the police own account they are describing us a well-regulated militia. See paragraph 8 of the probable cause narrative.

By the police own account, they never, at any point in time written in the probable cause narrative specified that we were under arrest for anything. The narrative states that ~~that was being arrested for carrying~~

8/10/2021

Mass v. Luis

CR:001099

Violation of ALM GL ch 276 § 58A

GL ch 276 § 58A (4) was violated for the following reasons:

① I was not able to cross examine the witnesses who appeared at the hearing and I visibly seen Troopers at the hearings. See 276 § 58A (4). My wife, father, and sister were present and they were not allowed to testify.

And Emily Kurschter violated 276 § 58A (4)(3) "the Judge shall (a) include written findings of fact and a written statement of the reason for detention;" Emily merely states she found probable cause but never stated what it was. That is a violation of my rights. None of my actions or statements were dangerous to anyone. Therefore, I am being detained unconstitutionally.

① of ①

X Luis El P. Alvarado

8/20/21

Commonwealth V. Lucha El Por Libertad
and the Moorish militia C1001099

Judicial Notice

ALMR CRIM.P. Rule 3 Annotations

"Where the charge is by complaint and the accused is under arrest not having been indicted by grand jury, he is entitled as soon as may be to a probable cause hearing to determine whether he should be held for trial
GL C 276 § 38"

"The prosecutor should not abuse this power... by waiting... to obtain an indictment see Raposa 386 Mass at 689 n. 8"

"There may be circumstances however, where the prosecutors bad faith in obtaining an indictment entitles the defendant to a probable cause hearing in any event. CF Hadfield V. Commonwealth 387 Mass 252, 257 (dicta) (circumventing probable cause hearing may be ~~invalid~~ invalid where "effrontery to district court," "Obstruction of criminal process," or "waste of judicial resources."

As stated at what was supposed to be the probable cause hearing on August 9th 2021, I was ready to proceed with my argument; like wise, the prosecution, who had 37 days to prepare for said hearing, in a bad faith attempt to obstruct the criminal process, waste judicial resources and "buy time" for an indictment, since the probable cause narrative clearly indicates probable cause found in hindsight; the commonwealth claimed that a ballistic report and fingerprints were the reason for the extra 30 day extension of time. But the-

charges do not warrant such evidence.

Lexisnexis - ALM R Crim P. rule 3

"If an indictment has not already been returned, a defendant charged with a crime ... must be given a probable cause hearing "as soon as may be" See GL C 276 § 38.

Commonwealth V. McCarthy 385 mass 160 163 "an indictment cannot stand unless, at a minimum, it is supported by evidence sufficient to establish probable cause to arrest"

Yet according to the probable cause narrative, probable cause was determined based on hindsight which is contrary to Massachusetts laws.

X Lucha & Co. LLC

8/10/2021
9:50 AM

Billerica House of "Corrections"

Pod-D cell 1-21

CR:001094

Notice of Conflict of
Interest - Federal Courts have
original Jurisdiction.

In the matter of "Commonwealth of Massachusetts v. Lucha El Por Libertad" or COMMONWEALTH OF MASSACHUSETTS v. STEVEN PEREZ"; The Federal Courts of the United States have original Jurisdiction.

The United States Constitution Article III Section 1. "The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts [District and Circuit Courts] as the Congress may from time to time ordain and establish". Section 2. "The Judicial Power shall extend to ALL cases in law and Equity [without distinction between criminal or civil] arising under this Constitution, The laws of the United States, and Treaties made [Federal question]... to all cases between a state, or the Citizens thereof; and foreign States, Citizens or subjects [Diversity of Citizenship]. Section 2 Continued... Between a state and Citizens of another state... [Diversity of citizenship].

Therefore, regardless of the State/Commonwealth wishes to identify me as who I am, Lucha El Por Libertad, a citizen of Morocco or who I am not, STEVEN PEREZ a citizen of New York, there is still the issue of diversity and Federal Courts have Original Jurisdiction. There is no Constitutional requirement for the controversy to include or be over \$75,000

8/16/2021

Commonwealth

V.

Lucha El Por Libertad &
The Morrish Militia

Notice of Malicious Conspiracy

When I was "arraigned" prior to going before the "magistrate" an old Irishman, approximately 60 years of age, claiming to be an attorney approached me in the cell I was forced into. When he approached me he told me he was an attorney and in his hands he had what appeared to be an Arrest Report from the state of Massachusetts with a photograph of what looked like me on it. He proceeded to point to the charge which stated "Disorderly Conduct" and ~~he~~ said "You have the least severe charges so I choose to represent your case". I informed the Irishman I would not be needing his services and I would be proceeding pro se.

Upon being forced into "court" I, in short, stated I would be presenting my own arguments. Emily Karsetter of 33 Clark Street Boston, MA, tried to force the Irishman on me and stated amongst other things how qualified he was, after reading to me completely different charges. I made everyone aware of the deceit and trickery of the "Defense" attorney and Emily Karsetter did nothing about it, forced me to waive my rights and assisted the prosecution by reminding him indirectly, which documents to file.

There is also the incident with Aban, who was being forced by the other "Defense" attorney to arbitrarily blame others and act as if he is a victim of something. A similar thing may be taken place with Rob and his

8/20/21

Commonwealth V. Lucha El Por Libertad
and the Moorish Militia Cr 001099

①

Affidavit in support of Military exemption of prosecution from state statute(s) 269 § 10(a) 269 § 10(m), 274 § 7, 269 § 10(d) et seq, et alia, and lack of probable cause.

As stated previously and continuously, we cannot be charged with any of these alleged crimes as we are protected via the 2nd Amendment and must be treated as a military and therefore exempt pursuant to ALM GL ch 140 § 129 C (H) and (O) - as we are and were a military nonresidents traveling through to conduct a training exercise and operation in accordance with the laws and customs of war, we were uniformed, had/have a chain of command, openly armed and remained peaceful with the state police.

ALM GL ch ②

140 § 129 Firearms - possession

The provisions of this section shall not apply to the following exempted persons and uses:

(H) possession of rifles and shotguns and ammunition therefore by non resident traveling in or through the commonwealth.

(O) persons in the military or other service of any state

United States V. Yunis 924 F.2d 1086 "The court further instructed the jury that it could find that the ... militia is a military organization only if the group has a hierachial command structure and conducts its operations in accordance with the laws and customs of war and if its members have a uniform and carry arms openly." The court held that a fixed emblem recognizable at a distance was

the test for whether militiamen and members of volunteer had the right and responsibilities of national armies.

Specifically, the district courts uniform instructions find sufficient support in international agreements that bear on the question. See Geneva Convention relative to the treatment of prisoners of war. Opened for signature Aug. 12, 1949; art 4(A)(2), 6 U.S.T 3317 3320 T.I.A.S. NO 3364 [Herein after Geneva Convention] Hague convention NO N respecting the law and customs of war on land, Oct. 18, 1907; annex § 1, ch. 1, art 1, 36 Stat 2277, 2295-96 T.S. NO 539 [Herein after Hague convention NO. 10] The Geneva convention signed by 167 nations... establishes "having a fixed and distinctive signal recognizable at a distance" as one of the four necessary conditions that qualify the members of a militia for treatment as prisoners of war. "Uniform", "signal" or "emblem" are interchangeable.

① command, ② uniform, ③ open carry of arms ④ Conduct operations in accordance with the laws and customs of war.

X Luchas E'L Poe Libertad

A Free Moorish National